

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Hoist Fitness Systems, Inc.,

Plaintiff,

v.

Case No. 1:06cv209

Max Rack Inc.,

Judge Michael R. Barrett

Defendant.

**ORDER**

This matter is before the Court following the Parties failure to respond to the Court's Order to Show Cause. The Order was entered on November 21, 2006. The Parties were given ten days to show cause as to why they had failed to appear for a telephone status conference scheduled for November 16, 2006 or satisfy the requirements of Southern District of Ohio Local Rule 83.4(e). To date, no response has been filed.

District courts have the inherent power to *sua sponte* dismiss civil actions for want of prosecution to "manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R.*, 370 U.S. 626, 630-31 (1962). The Sixth Circuit has held that dismissal is an appropriate sanction pursuant to Rule 41 of the Federal Rules of Civil Procedure when there is a "clear record of delay or contumacious conduct by the plaintiff." *Carter v. City of Memphis, Tennessee*, 636 F.2d 159, 161 (6th Cir. 1980)(quoting *Silas v. Sears, Roebuck & Co., Inc.*, 586 F.2d 382, 385 (5th Cir. 1978); see also *Coleman v. American Red Cross*, 23 F.3d 1091, 1095 (6th Cir. 1994).

The Court finds that dismissal is an appropriate sanction in this case. Therefore,

Plaintiff's Complaint is hereby **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

/s/ Michael R. Barrett  
Michael R. Barrett, Judge  
United States District Court